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August 18, 2009

Via ECF

Honorable Dennis M. Cavanaugh
United States District Judge
United States District Court
District of New Jersey
50 Walnut Street
Newark, NJ 07101

Re: United States v. Darnell Toliver - 08-CR. 00671-001

Dear Judge Cavanaugh:

Mr. Toliver was sentenced by the Court on June 18, 2009 five (5) months of home confinement, three (3) years of probation and directed to pay restitution in the amount of \$103,140.00. Mr. Toliver's period of home confinement commenced immediately after his sentence and it is my understanding that this period has transpired without incident. Mr. Toliver has a daughter returning to college in Hampton, Virginia on August 29, 2009 and his daughter and wife need his assistance with returning her to college, moving her in and setting up her residence.

The prospective plan is to leave early Saturday morning, August 29th and return Monday evening, August 31st. They will be staying at the Embassy Suites in Hampton, Virginia. Mr. Toliver will provide all details of this trip to his supervising authorities. I have spoken to Stanley Whestone, the supervising officer specifically assigned to monitor Mr. Toliver's home confinement and his probation officer, Liz Villa and they have no objection to Mr. Toliver traveling as long as he provides them with his itinerary and the Court gives its approval.

Mr. Toliver understands that one of the purposes and objectives of the Court sentencing him was to punish him for his actions and a component of that punishment is depriving him of the freedom to participate in family events. However, in this

Honorable Dennis M. Cavanaugh
United States District Judge
Page 2

circumstance his wife and daughter need his assistance and we do not anticipate asking the Court for any further dispensation in this matter.

I thank the Court for considering this application.

Respectfully submitted;

PAPA DEPAOLA AND BROUNSTEIN


BY: STEVEN L. BROUNSTEIN

cc: A.U.S.A. Robert Kirsch
Stanley Whestone via fax 973-645-2155

SO ORDERED:


DENNIS M. CAVANAUGH, U.S.D.J.

8/28/09